

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 98-034**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

### **2. Form, Style and Placement in Administrative Code**

a. The parenthetical material in s. DWD 120.01 should either be worked into the text or placed in a note. In addition, “etc.” should be deleted; if it is deemed necessary to show that the items listed are only examples, the word “include” or “including” could be used.

b. In SECTION 2 of the rule, “(title)” should be inserted before the amended title. [See s. 1.05 (3), Manual.]

c. In several provisions of the rule, “the” should replace “such.”

d. In s. DWD 120.03 (a), the reference to s. 108.02 (15) (k) 19., Stats., at the beginning of the paragraph is awkward and does not appear to be needed. If it is desirable to include a cross-reference to the statutory provision, one could be provided in a note to the rule. (Note that subdivision numbers should be followed by a period.) Also, in the last sentence of par. (a), a reference is made to “in the manner prescribed by the department.” What is this “manner”? Is it the “manner” described in par. (b)? An appropriate cross-reference would help clarify the rule.

e. SECTIONS 4, 5 and 6 of the rule could be combined into one SECTION. [See s. 1.04 (2) (a) 4, Manual.]

f. In SECTION 10 of the rule, the subdivisions need to be better tied to the rest of the paragraph. It appears that the subdivisions specify how the department will determine whether

the telephone system is inoperable or unavailable. Perhaps the unity of the provision would be enhanced by including at the end of what is apparently introductory material a phrase similar to the following: “The telephone initial claims system shall be considered inoperable or unavailable if all of the following occur:”. The subdivisions could then be restructured to better explain the criteria that will have to be met. In addition, although subd. 2. indicates that the system will be considered inoperable or unavailable if a busy signal occurs, is this the only test for whether a busy signal results from an “overload of telephone calls”? What if the system is just broken due to a computer malfunction or power outage? The rule should be clarified.

**5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. The reference to “the restriction” in s. DWD 128.02 (1) (c) is not clear. Could the phrase be modified to read “the limitation in par. (a)”?

b. Section DWD 150.05 (intro.) refers to the Employment Security Division. Is this still the appropriate name, or should the rule refer to the Unemployment Insurance Division?